

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2733.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. Guy G. Major Co. Plea of nolo contendere to counts Nos. 1, 3, 5, 7, 9, and 11. Fine, \$150 and costs. Counts Nos. 2, 4, 6, 8, 10, and 12 nolle prossed.

ADULTERATION AND ALLEGED MISBRANDING OF FEED MEAL.

On April 2, 1912, the United States Attorney for the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in 12 counts against the Guy G. Major Co., a corporation, Toledo, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on January 17, March 29, August 31, November 16, November 25, and November 27, 1911, from the State of Ohio into the State of Indiana, of quantities of feed meal which was adulterated and alleged to have been misbranded. Each consignment of the product was labeled in substance as follows: "The Guy G. Major Company 100 lbs. Old Process Oil Meal—Toledo, Ohio, U. S. A., * * * For Drawback. (On the tag attached to said package) \$50 fine for using this tag second time. No. 2858 100 lbs., The Guy C. Major Co., of Toledo, Ohio, guarantees this Old Process Oil Meal to contain not less than 5.0 per cent of crude fat, 30.0 per cent of crude protein and to be compounded from the following ingredients; Flaxseed Product. W. J. Jones, Jr., State Chemist, Purdue University Agricultural Experiment Station, Lafayette, Ind. Not good for more than 100 pounds." Some of the bags were labeled 25 pounds instead of 100 pounds. On some of the bags was stamped "Milwaukee Bag Co." and on some of the tags attached to the bags appeared the following: "Order Guy G. Major Co., Winchester, Indiana. Notify Goodrich Bros., Hay and Grain Co., Winchester Ind."

Examinations of samples of the product by the Bureau of Chemistry of this Department showed the following results: Sample No. 1 "to be a linseed meal with at least 3 per cent of cottonseed meal; trace of cottonseed hulls and trace of rice hulls"; samples Nos. 2 and 3 to contain "at least 3 per cent of cottonseed meal in this linseed meal"; sample No. 4 "to be a linseed meal containing at least 5 per cent of cottonseed meal and small amount of some rice product and a trace of weed seeds"; sample No. 5 "to be a linseed meal containing cottonseed meal at least 10 per cent, a considerable amount of starch bearing tissues, a small amount of wheat starch, trace of rice hulls and trace of weed seeds"; sample No. 6 "to be a linseed meal containing at least 5 per cent of cottonseed meal and trace of starch, cottonseed hulls, and weed seeds". Adulteration of the product was alleged in counts Nos. 1, 3, 5, 7, 9, and 11 of the information for the reason that a substance, to wit, cottonseed meal, had been mixed and packed with the product so as to reduce, lower, and injuriously affect its quality and strength, and for the further reason that a substance, to wit, cottonseed meal, had been substituted in part for the article, to wit, flaxseed meal. Misbranding was alleged in the second, fourth, sixth, eighth, tenth, and twelfth counts of the information for the reason that the statement on the label, as set forth above, to wit, "Old Process Oil Meal—Flax Seed product" was false and misleading in that it would mislead and deceive the purchaser into the belief that the product was flaxseed meal, whereas, in truth and in fact, it was a mixture of flaxseed meal and cottonseed meal. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Old Process Oil Meal—Flaxseed product", thereby purporting that it was flaxseed meal when as a matter of fact it was a mixture of flaxseed meal and cottonseed meal. (It will be noted that, whereas it was alleged in the information that the product was a mixture of flaxseed meal and cottonseed meal, examination by the Bureau of Chemistry of this Department showed that it was largely a mixture of linseed meal and cottonseed meal.)

On April 2, 1913, the defendant company entered a plea of nolo contendere to the charges of adulteration set out in the counts of the information, as above stated, and the court imposed a fine of \$150 and costs. The counts of the information charging misbranding of the product were nolle prossed.

C. F. MARVIN,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 11, 1913.*